

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LISA CRESS,
on behalf of herself, and as
GUARDIAN FOR MINOR K.C. and
as GUARDIAN FOR MINOR C.C.,
and DANIEL LOMBARDI,

Plaintiffs,

v.

VENTNOR CITY, THEORDORE
BERGMAN, MICHAEL MILLER, and
JASON RZEMYK,

Defendants.

CIVIL NO. 08-1873 (NLH) (AMD)

**MEMORANDUM
OPINION & ORDER**

APPEARANCES:

COURTNEY ERIN BLACK
JENNIFER ANN BONJEAN
BONJEAN LAW GROUP PLLC
142 JORALEMON STREET, 5A
BROOKLYN, NY 11201

On behalf of plaintiffs

STEVEN M. HORN
REYNOLDS & HORN
29 NORTH SHORE ROAD
ABSECON, NJ 08201

On behalf of Ventnor City, Theodore Bergman, Michael Miller,
and Jason Rzemyk

HILLMAN, District Judge

In this case involving allegations of constitutional
violations by defendant police officers in connection with the
execution of a "no-knock" search warrant executed at night upon
plaintiffs at their home, presently before the Court is the issue

of whether to reveal the identities of two trial witnesses who purportedly served as confidential informants, and who purportedly provided the probable cause for the search warrant; and

The Court having held a Federal Evidence Rule 104 hearing, at which the Court addressed the main issue of whether CI-1 or CI-2 were actually confidential informants entitled to protection; and

At the Rule 104 hearing, the two purported confidential informants having testified that they did not act as confidential informants with regard to plaintiff Lombardi; and

The Court therefore finding that the interests as set forth in Cashen v. Spann, 334 A.2d 8, 16 (N.J. 1975) with regard to the protection of the informer's privilege not to be applicable in this case because there are no "informers"; and

For the reasons also expressed on the record,

IT IS HEREBY on this 20th day of February, 2013

ORDERED that the identities of the two witnesses identified as CI-1 and CI-2 are not entitled to protection, and, accordingly, their names and identities may be revealed; and it is further

ORDERED that the Court's prior Orders requiring the redaction and sealing of documents in order to conceal these individuals' identities are VACATED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.